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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/961,345	09/25/2001	Tetsuo Nakata	1538.1017	5887
21171	7590	02/13/2006		
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER ZEENDER, FLORIAN M	
			ART UNIT 3627	PAPER NUMBER

DATE MAILED: 02/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/961,345

Applicant(s)

NAKATA ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

Claim: 1-4, 7-9, and 11-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. US 2002/0107820 (hereinafter 'Huxter') in view of U.S. Patent Application No. US 2002/0072945 (hereinafter ("Yang")).

Regarding **claim 1**, Huxter discloses a method for processing physical distribution information, said method comprising the steps of: receiving and registering schedule information regarding a form of receiving of a package addressed to a member from the member (see page 5, paragraph #106); receiving a shipment request from a sender of a package (#0183); determining a delivery form with reference to at least the receiver's schedule information registered in said receiving and registering step when said receiver is a member (see page 5, paragraph #116); when said delivery form determined in said determining step involves a movement of said package, generating delivery request information for a distributor in accordance with said delivery form (see page 5, paragraph #116); [**claims 1, 17, 18, 34, 50**] wherein the receiving and registering schedule information is carried out asynchronously with the determining and is carried out without relationship with a specific shipment request; [**claim 2**] when said delivery form determined in said determining step involves a movement of the package, registering scheduled delivery information in said receiver's schedule information (see page 5, paragraph #116); [**claim 3**] sending said distributor information regarding said delivery form determined in said determining step before starting to deliver said package (see page 5, paragraph #11); [**claim 4**] receiving a delivery completion notice

including receiving status data from said distributor (see page 2, paragraph #17); [**claim 7**] receiving and registering information regarding a fixed delivery charge from said distributor after said package is received by said distributor (see page 15, paragraphs #245-246); [**claim 8**] there is a case where said delivery form is determined as undeliverable in said determining step (see page 16, paragraph #256); [**claim 9**] including information regarding a determined as undeliverable in said sending said sender a deliverable date when said delivery determining step (it is inherent that the e-tailer will be notified when a package is undeliverable); [**claim 11**] said generating step, when said delivery form is determined as forwarding or keeping in said determining step, delivery request information addressed to said distributor is generated by using forwarding. destination information or keeping place information registered for said receiver in advance (see page 16, paragraph #255); [**claim 12**] receiving and registering information of specified member from said member, and wherein, in said determining step, when said receiver is not available for receiving and said specified member is registered for said receiver, said schedule information for said specified member is referenced (see page 16, paragraph #255); [**claim 13**] when a delivery request to a non-member is received from a sender of a package, registering information of said non-member included in said delivery request as provisional member information; sending a member registration request to said non-member; and sending information registered as said provisional member information to said non-member when membership registration is requested from said nonmember (see page 7, paragraph #148); [**claim 14**] wherein in said receiving and registering step, schedule information regarding a form of receiving

said package addressed to said member is received as a predetermined template selection instruction from said member (see page 5, paragraph #106)) [**claim 15**] wherein said determining step comprises a step of sending a schedule input request to said receiver when said receiver's schedule information indicates it is not fixed (see page 16, paragraph #255); and [**claim 16**] wherein said determining step comprises a step of sending said sender a notice indicating scheduling in progress (see page 5, paragraph 106).

Regarding **claim 17**, Huxter discloses a method for processing physical distribution request, said method comprising the steps of sending a central server (1000) a delivery request of a package, said delivery request specifying at least a receiver (400); and receiving a result notice of delivery scheduling including a case where it is indicated that said package is undeliverable, from said central server before starting to deliver said package (see page 16, paragraphs #255-256).

Huxter discloses a program, apparatus, and method as set forth in claims 18-50. Claims 18-50 are similar to previously addressed claims 1-4, 7-9, and 11-16.

Regarding claims 1, 17, 18, 34, and 50, Huxter fails to disclose the schedule information comprising at least one of the forms of receiving the package addressed to the member for each of a plurality of days within a predetermined period.

Yang teaches method of package delivery and pickup including schedule information comprising at least one of the forms of receiving the package addressed to the member for each of a plurality of days within a predetermined period (see page 4, paragraphs 0060-0062).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter with schedule information related to a plurality of days as taught by Yang, because delivering items when the receiver is likely available to accept the items increases the efficiency of the delivery service, wherein decreasing the expense related to unsuccessful delivery attempts.

Claims 5, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Htlxter in view of Yang as applied to claims 1 and 4 above, and further in view of U.S. Patent Application No. US 2002/01268 13 (hereinafter "Partovi").

The combination of Huxter and Yang disclose all claimed elements as set forth above in paragraphs 3-4, but fail to explicitly disclose the use of giving the customer a reward for correct registration.

Partovi teaches the use of providing a reward for registering (see paragraph [0060]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Huxter/Yang with a registration reward as taught by Partovi, because rewarding customers increases the likelihood that customers will do events desired by businesses.

Response to Arguments

Applicant's arguments filed 10/27/2005 have been fully considered but they are not persuasive.

On page 12 of the "REMARKS", the applicant argues that neither Huxter nor Yang teach the limitations of amended claim 1. More specifically, the applicant argues in the last paragraph of page 13 and the first paragraph of page 14 that in both Huxter and Yang, a user registers schedule information when he or she makes a shipment request for a package. That is, in Huxter and Yang, registering schedule information is **synchronous** with determining a delivery form and is carried out in relationship with a specific shipment request of the purchase order. However, the Examiner disagrees with the applicant because Huxter teaches that the customer registers information via an interface with the Application Server prior to making a purchase with an "Etailer", the prior registration not necessarily having a relationship with a specific shipment request of a purchase order (See for example paragraphs 0178-0183).

Then on page 13 of the REMARKS, the applicant argues that Yang does not disclose the schedule information comprising the availability status information of the customer member for each of a plurality of days within a predetermined period. However, the Examiner directs the applicant's attention to paragraphs 0060 –0065, where Yang teaches a buyer marking calendar days (0065) for availability of delivery.

Thus, the limitations of the claims are anticipated by Huxter in view of Yang and Partovi (claims 5, 6, and 10) and the rejection(s) are proper.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (571) 272-6790. The examiner can normally be reached on Monday-Friday, 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

F. Zeender
February 6, 2006


F. RYAN ZEENDER
PRIMARY EXAMINER